



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,228	09/13/1999	GLENN PETKOVSEK	P-99-012	3917

7590

02/13/2002

BRIAN M MATTSON
PATENTS+TMS
A PROFESSIONAL CORPORATION
1914 NORTH MILWAUKEE AVENUE
CHICAGO, IL 60647

EXAMINER

HENDERSON, MARK T

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/394,228
Filing Date: 9/13/99
Appellant(s): Glenn Petkovsek

Brian M. Mattson

For Appellant

MAILED

FEB 13 2002

GROUP 3700

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed January 15, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

Art Unit: 3722

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

Art Unit: 3722

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1, and 9 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Appellant's brief includes a statement that claims 1 and 7 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,664,725

Walz

9/1997

5,697,648

Petkovsek

12/1997

Art Unit: 3722

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 7-9, 11, 12 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office action, Paper No. 7.

(11) *Response to Argument*

Appellant's arguments filed January 15, 2002 have been fully considered but they are not persuasive.

Appellant states that the Walz reference does not teach a postcard integrally formed with a designator section indicative of a special service. In response to that argument, the examiner submits that Walz does indeed disclose a postcard (70) integrally formed with a designator section (73), wherein the designator section is indicative of a special service (Col. 6, lines 10-17). Since appellant has not defined what "special service" entails in claims 1 and 9, the examiner has interpreted "special service" in its broadest sense. A broad definition of a "special service" is indicated in Appellant's arguments (Page 14, lines 1-4) as well. Further, the designator section is contained within the exterior sides (sides to the left of perforated line (24) and to the right of perforated line (26)). In response to Appellant's arguments that the Walz reference does not teach a label that includes printing and shading, wherein the printing and shading are a single color, the examiner submits that Walz does indeed disclose a label that is shaded in a single color (Col. 4, lines 5-11) and printed in a

Art Unit: 3722

single color (black ink is generally used for printing). The examiner has interpreted this to mean that the “shading” is in one single color and the “printing” is in another single color. The examiner also submits that appellant seems confused with equating the claim limitation “the shading and printing are a single color” with the argument “to shade and print the label with a single color”. The Appellant must understand that a “single color” limitation does not necessarily mean “the same color”. Furthermore, matters related to the choice of ornamentation producing no mechanical effect or advantage considered to constitute the invention are considered obvious and do not impart patentability, *In re Seid* 73 USPQ 431.

Art Unit: 3722

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Mark Henderson
Examiner



A. L. Wellington
Examiner Supervisor



Willmon Fridle
Primary Examiner

February 8, 2002

Brian M. Mattson
Registration No. 35,018
Attorney of Record
Patent + TMS
A Professional Corporation
1914 North Milwaukee Avenue
Chicago, IL 60647